

ASSIGNMENT 7

Textbook Assignment: "Posttrial Duties and the Review Process," chapter 8, pages 8-1 through 8-34.

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| <p>7-1. What individual is responsible for completing the report of results of trial form?</p> <ol style="list-style-type: none">1. Military judge2. Trial counsel3. Senior member4. CO's SJA/legal officer <p>7-2. On what date will confinement begin to run when adjudged by a court-martial?</p> <ol style="list-style-type: none">1. Date the findings are announced2. Date the sentence is adjudged3. Date the CA signs his or her action4. Date the promulgating order is signed <p>7-3. Upon completion of a court-martial, what person normally prepares the confinement order?</p> <ol style="list-style-type: none">1. Convening authority2. Military judge3. Trial counsel4. Brig personnel <p>7-4. What form is used to order an accused into posttrial confinement?</p> <ol style="list-style-type: none">1. Report of results of trial2. Convening authority's action3. NAVPERS Form 1626/74. NAVPERS Form 1640/4 <p>7-5. What is a deferment request?</p> <ol style="list-style-type: none">1. A request for clemency from the accused to the CA2. A request for postponement of all punishment adjudged by a court-martial3. A request for postponement of the service and running of confinement4. A request by the accused to suspend the punishment of confinement | <p>7-6. A deferment of confinement request may be granted until what action is taken?</p> <ol style="list-style-type: none">1. The sentence has been executed2. The confinement order is signed3. The record of trial is authenticated4. The SJA's advice is completed <p>7-7. The decision to grant or deny an accused's request for deferment of confinement is in the sole discretion of what official?</p> <ol style="list-style-type: none">1. Military judge2. Trial counsel3. OEGCMJ'S SJA4. CA <p>7-8. What person has the burden to show that the release of the accused outweighs the community's interest in confinement?</p> <ol style="list-style-type: none">1. Accused2. Defense counsel3. CA4. OEGCMJ <p>7-9. A CO may approve a deferment of confinement request but keep the member in a restricted status.</p> <ol style="list-style-type: none">1. True2. False <p>7-10. If an accused is no longer under the jurisdiction of the CA, what official may rescind an accused's deferment of confinement?</p> <ol style="list-style-type: none">1. JAG2. Accused's current CO3. OEGCMJ over the CA4. OEGCMJ over the accused |
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- 7-11. When a deferment request is rescinded, the accused must be made aware of what rights?
1. To appeal the decision to the next higher reviewing authority
 2. To appear before the authority rescinding the deferment
 3. To be given notice of the intended rescission and to submit written matters
 4. To appear before a formal review board
- 7-12. Restriction is what type of restraint?
1. Physical
 2. Moral
 3. Correctional
 4. Limited
- 7-13. What person or activity is responsible for attaching the appropriate posttrial checklist to the record of trial?
1. Trial counsel
 2. NLSO preparing the record of trial
 3. SJA of the CA
 4. The detailed court reporter
- 7-14. If a command is disestablished before the CO takes action on a court-martial case, what official will take action on the record of trial?
1. The chief staff officer of the command's type commander
 2. Chief of Naval Personnel
 3. The CA regardless
 4. An OEGCMJ
- 7-15. An accused must submit written matters to the CA within what specific number of days for (a) an SPCM and (b) an SCM?
1. (a) 7; (b) 10
 2. (a) 10; (b) 7
 3. (a) 3; (b) 5
 4. (a) 5; (b) 7
- 7-16. The CA must receive a written recommendation from his or her SJA before taking action on a record of trial that involves what type of punishment?
1. Confinement over 30 days
 2. Confinement of 1 year or longer
 3. Punishment involving total forfeitures
 4. BCD
- 7-17. Which of the following items should NOT be addressed in the SJA's recommendation?
1. Clemency recommendation of the military judge
 2. Jurisdiction of the court over the accused
 3. Summary of the accused service record
 4. Identification of legal errors in the record of trial
- 7-18. If an accused's defense counsel fails to respond to the SJA's recommendation within 10 days of receipt, what action is taken by the CA?
1. The defense counsel is allowed 24 hours to submit his or her corrections or challenges
 2. The accused is notified on nonaction by his or her counsel and requested to submit matters
 3. It is considered a waiver of any error in the review
 4. A request is made by the SJA to the CO of the NLSO for an immediate review of the recommendation
- 7-19. Who, if anyone, can sign the CA's action on the record of trial besides the CA?
1. CA's SJA
 2. Executive officer
 3. A person specifically authorized by the CO
 4. No one

- 7-20. If a CA considers matters outside of the record of trial that the accused is unaware of, what action must be taken by the CA?
1. The CA must order a rehearing to have the matters entered in the record
 2. The matters must be submitted to the military judge for a ruling on the admissibility
 3. The matters must be submitted to the accused for rebuttal
 4. The matters must be submitted to the CA's SJA for legal review and advice
- 7-21. If a CA disapproves any findings of guilty and does not order a rehearing, what action must the CA take?
1. Dismiss the charges and specifications in the action
 2. Provide an explanation of the reasons for disapproval
 3. Suspend the sentence adjudged
 4. Approve only part of the sentence adjudged
- 7-22. When a CA orders a sentence of confinement executed, he or she must also direct what other action regarding the confinement?
1. Designate the place of confinement
 2. Designate whether the confinement is with or without hard labor
 3. Include a release date
 4. Designate the measure of security of the accused
- 7-23. Automatic reduction to paygrade E-1 is effected when an accused receives what punishment?
1. Total forfeitures
 2. Confinement over 30 days
 3. Confinement over 90 days
 4. Punitive discharge
- 7-24. Where may sample CA's action forms be found?
1. MCM, app 14
 2. MCM, app 16
 3. JAGMAN, app A-1-m
 4. JAGMAN, app A-1-p
- 7-25. Which of the following statements best describes the main function of a promulgating order?
1. It is prepared as a cover letter for forwarding the record of trial to the supervisory authority
 2. It is prepared as a cover letter for forwarding the record of trial to NAMARA
 3. It is used as a method of informing all officials of the progress of a court-martial
 4. It is used to order a sentence executed
- 7-26. A CA may order all EXCEPT which of the following parts of a court-martial sentence executed?
1. Reduction in rate to E-1
 2. Loss of lineal number of an officer
 3. Punitive discharge
 4. Life imprisonment
- 7-27. In an acquittal SPCM case, what information must the CA address in the action?
1. That all rights and privileges previously held by the accused be restored
 2. That all information pertaining to the court-martial be purged from all records
 3. That all court members had the requisite qualifications
 4. That the court was properly constituted, and had jurisdiction over the accused and the offense

7-28. Promulgating orders are prepared for which of the following types of court-martials?

1. SCMs
2. SPCMs only
3. GCMs only
4. GCMs and SPCMs

7-29. A promulgating order must be dated with what date?

1. The date actually signed
2. The same date as the CA's action
3. The date the sentence was adjudged
4. The date the record of trial is forwarded to the next reviewing authority

7-30. What total number of copies of a promulgating order must be attached to an original non-BCD SPCM record of trial?

1. One
2. Two
3. Three
4. Four

7-31. An accused is adjudged a reduction in rate at a court-martial on 29 April 1994. The CA suspends the reduction in his or her action on 3 June 1994. The accused has a violation of the UCMJ on 15 June 1994 and the CA orders the suspension vacated on 19 June 1994. What will be the effective date and time in rate date shown on the page 4?

1. 29APR94
2. 03JUN94
3. 15JUN94
4. 19JUN94

IN ANSWERING QUESTIONS 7-32 AND 7-33, SELECT THE SERVICE RECORD PAGES TO BE COMPLETED TO REFLECT THE COURT-MARTIAL SENTENCE LISTED AS THE QUESTION.

7-32. BCD.

1. 13 only
2. 9 and 13 only
3. 4, 9, and 13
4. 4, 7, and 9

7-33. Confinement for 3 months, reduction in rate to E-1.

1. 7 and 9 only
2. 9 and 13 only
3. 4, 7, and 9 only
4. 4, 7, 9, and 13

7-34. A waiver or withdrawal of appellate review must be signed by which of the following personnel?

1. CA and the accused
2. Defense counsel and the accused only
3. Trial counsel, defense counsel, and the accused
4. Military judge, defense counsel, and the accused

7-35. A withdrawal of appellate review may be submitted up to what point of the review process?

1. SJA's recommendation is completed
2. CA's action is taken
3. Supervisory authority's action is taken
4. Appellate review is completed

7-36. Appellate leave regulations may be found in which of the following publications?

1. MCM
2. JAGMAN
3. MILPERSMAN
4. JFTR

- 7-37. Approved voluntary appellate leave must be in whose best interest?
1. The command's
 2. The accused's
 3. The service's
 4. The community's
- 7-38. Members placed on voluntary appellate leave will be provided transportation to their home of record.
1. True
 2. False
- 7-39. Appellate leave ID cards are issued in what time increments?
1. 1 year
 2. 6 months
 3. 3 months
 4. 9 months
- 7-40. Which of the following types of cases would be sent directly to JAG for review?
1. Noncapital GCM, accused has waived appellate review
 2. Non-BCD SPCM
 3. BCD SPCM
 4. SCM
- 7-41. In a non-BCD SPCM, final action on the case is complete when what action is taken?
1. The record of trial is forwarded to the National Personnel Records Center
 2. The record of trial is forwarded to NAMARA
 3. The record of trial is reviewed by the SJA of the OEGCMJ over the accused
 4. The OEGCMJ completes his or her supervisory authority's action
- 7-42. After review under Article 64, MCM, fleet activities must retain non-BCD SPCM cases for what minimum amount of time?
1. 1 year
 2. 2 years
 3. 3 months
 4. 6 months
- 7-43. Appellate defense counsel is detailed at what review level?
1. CA
 2. OEGCMJ
 3. OJAG
 4. NAMARA
- 7-44. Under what article of the UCMJ may an accused petition JAG to have his case retried, after final conviction based on newly discovered evidence?
1. 64
 2. 69
 3. 73
 4. 74
- 7-45. Upon receipt of the NMCMR decision, an accused has what maximum number of days to file a petition for a review by COMA?
1. 30
 2. 45
 3. 60
 4. 90
- 7-46. COMA's authority on review is limited to which of the following matters?
1. Judging the creditability of a witness
 2. Weight of the evidence presented
 3. Matters of law
 4. All of the above
- 7-47. What is a writ of certiorari?
1. An order by the Supreme Court directing COMA to grant a review of a case
 2. An order by the Supreme Court to COMA to certify a record and forward the case for review
 3. An appeal from the accused to the Supreme Court to review his case
 4. A request from JAG to the Supreme Court request review of a case

7-48. Vacation proceedings are recorded using what form?

1. DD Form 491
2. DD Form 490
3. DD Form 457
4. DD Form 455

7-49. A clemency recommendation may be initiated by which of the following officials?

1. Defense counsel
2. Military judge
3. Court members
4. All of the above

7-50. Clemency recommendations must comply with the guidelines set forth by what official?

1. SECNAV
2. SECDEF
3. CHNAVPERS
4. JAG